



## New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	120A	Dispute Resolution	12-9-2008
Subchapter:	2	General Provisions for Division Dispute Resolution and Administrative Hearings	
Section	2	<b>Notice of Division action to a parent (N.J.A.C. 10:120A-2.2)</b>	

### §10:120A-2.2 Notice of Division action to a parent

(a) Except as limited by (d), (e), (f) and (g) below, the Division shall provide notice to a parent of a Division action that creates a Division service issue under N.J.A.C. 10:120A-4.3(a)1 at least 10 days in advance of the Division action to a parent requesting or receiving the service or a parent requesting the service on behalf of a child or a parent of a child receiving the service.

(b) Notice of the Division action as in (a) above shall include:

1. The right to appeal the Division action;
2. The applicable time frames for requesting an appeal;
3. The parent's right to an administrative hearing; and
4. The procedures for administrative hearings.

(c) Notice of the Division action shall be provided in any one or more Division documents distributed to the parent specifically, as in a case plan, in accordance with N.J.A.C. 10:133D-1, or generally, as in a handbook or other publication, which is distributed in the routine course of business, through oral communication or any combination thereof.

(d) The Division shall not provide prior written notice on an application for service.

(e) The Division shall not provide separate notice for each Division action that is part of a case plan when the case plan has been shared in written form with the parent.

(f) The Division may delay notice up to 30 days when immediate action is necessary to protect a child who has been harmed or is at imminent risk of harm, pursuant to N.J.S.A. 9:6-8.8 et seq., N.J.S.A. 30:4C-1 et seq. or when harm or risk of harm is due to a violation of standards in N.J.A.C. 10:121A, 10:122, 10:122C, 10:124, 10:126, 10:127 or 10:128, or when the client's behavior creates a threat to himself or herself or others.

(g) The Division may dispense with notice to the parent when:

1. The Division has factual information confirming the death of the client;
2. The Division received an oral or clearly written statement signed by the client that he or she no longer wishes services or that he or she gives information which requires termination of services and the client has indicated that he or she understands that this is the consequence of supplying the information;
3. The client's whereabouts are unknown and Division mail directed to the client has been returned by the post office indicating no known forwarding address, or a home visit was made and documentation obtained that the client no longer resides there;
4. The client has been accepted for services in a new jurisdiction and that fact has been established by the local office previously providing services;
5. The client has relocated outside the jurisdiction of the local office or local agency providing services, and has not provided 30 days advance notice of such relocation to enable the Division to continue uninterrupted service if the client continues to be eligible for the service despite the relocation; or
6. A service which is provided for a specific period of time is terminated and the client was informed in writing of the projected termination date of the service at the time of service initiation.